

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Northern Division)

COLUMBIA GAS TRANSMISSION, LLC,)
)
Plaintiff,)
)
v.) Civ. No.: 1:19-cv-01444 GLR
)
0.12 ACRES OF LAND, MORE OR)
LESS, IN WASHINGTON COUNTY,)
MARYLAND; STATE OF MARYLAND,)
DEPARTMENT OF NATURAL RESOURCES,)
)
Defendants.)

**PLAINTIFF COLUMBIA GAS TRANSMISSION, LLC'S
REPLY IN SUPPORT OF ITS MOTION FOR EXPEDITED HEARING**

Plaintiff Columbia Gas Transmission, LLC (“Columbia”) respectfully states the following in further support of its Motion for Expedited Hearing on its Motion for an Order of Condemnation and for Preliminary Injunction.

Columbia agrees with Defendant State of Maryland, Department of Natural Resources (“MDNR”) that its Motion for Expedited Hearing has been rendered moot by the Court’s setting of the August 13, 2019 hearing on all pending motions, which rejected MDNR’s request to bifurcate the hearings relative to Columbia’s Motion for an Order of Condemnation and for Preliminary Injunction (the “Motion”) and MDNR’s Motion to Dismiss, and effectively granted Columbia’s Motion to Expedite. Columbia further notes that, as the briefing on the merits has evolved in this matter, the issues have considerably narrowed. MDNR’s objections to Columbia’s Motion all stem from MDNR’s argument that it is entitled to Eleventh Amendment sovereign

immunity,¹ and thus, that the Court lacks jurisdiction over this action. The legal issue of sovereign immunity stands fully briefed.²

Dated: July 8, 2019

Respectfully submitted,

By:

/s/
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¹ By way of footnote, MDNR also argues that Columbia has not adequately pled satisfaction of the Natural Gas Act's \$3,000 jurisdictional requirement. This legal issue, which MDNR raised in its Opposition to Columbia's Motion, stands fully briefed.

² Per the briefing schedule adopted and approved by the Court (*see* ECF No. 22 at 2; ECF No. 23), MDNR may submit a reply in support any motion it has filed on or before July 18, 2019. The only motion to which this deadline could be applicable is MDNR's Motion to Dismiss, which Columbia maintains is procedurally improper and should be stricken. The merits of MDNR's sovereign immunity argument (which are the subject of its Motion to Dismiss) should be considered via the papers filed in support of, and in opposition to, Columbia's Motion for an Order of Condemnation and for Preliminary Injunction.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT on this 8th day of July, 2019, the foregoing was served by CM/ECF on all registered CMF users.

/s/
Arnold M. Weiner